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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CAROLINE DACOSTA, as Personal
Representative and Administratrix for the
Estate of JOSE L. DACOSTA, JR.

VS.

CPR FISHING, INC.

C.A. NO. 04CV12059 JLT

PEARL BEAUVAIS, as Personal
Representative and Administratrix for the
Estate of JOHN BEAUVAIS

VS.

CPR FISHING, INC.

C.A. NO. 04-12057 NG

MOTION TO COMPEL PRODUCTION OF DOCUMENTS FROM THE PLAINTIFF

Now comes the Defendant, CPR Fishing, Inc. and moves to compel production of documents pursuant to the attached request for production dated June 8, 2005 within twenty (20) days from the date of the court's order.

A memorandum of law is attached in support of this motion.

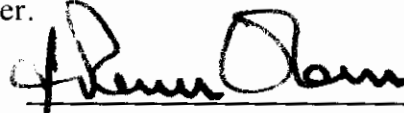
DEFENDANT,
By its Attorney,



J. Renn Olenn, Esq. #642090
OLENN & PENZA, LLP
530 Greenwich Avenue
Warwick, RI 02886
PHONE: (401) 737-3700
FAX: (401) 737-5499

CERTIFICATE OF ATTEMPT TO RESOLVE

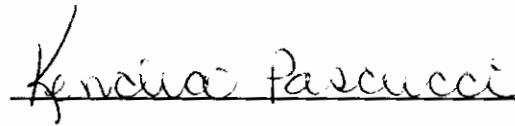
The undersigned hereby certifies that prior to this motion that he conferred with opposing counsel and they were unable to resolve this matter.


J. Renn Olenn, Esq. #642090

CERTIFICATION

I certify that I sent a true copy of the within on November 2, 2005 to:

Thomas J. Hunt, Esq.
18 North Water Street
New Bedford, MA 02740


Kenneth Pascucci

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DEFENDANTS' REQUEST FOR PRODUCTION DATED 6/8/05
ADDRESSED TO PLAINTIFF, CAROLINE DACOSTA

Defendant, CPR Fishing, Inc., pursuant to Rule 34, hereby requests the plaintiff, Caroline DaCosta, Administratrix, to provide true and accurate copies of the following documents on or before July 8, 2005:

1. Any and all medical reports and bills from all physicians, hospitals or other medical institutions who treated the decedent to include documents of all health care from decedent's prenatal care up to and including the time of his death.
2. The death certificate of the decedent.
3. Any marriage certificates of the decedent.
4. Any divorce decrees or separation decrees (interlocutory or final) of the decedent.
5. The copy of the probate file and certificate of appointment of the decedent's personal representative..
- 6.. Copies of any notes, cards or correspondence received at any time from the decedent by a person under DOHSA entitled to recovery as a result of his death.

7. Copies of any and all checks, money orders or receipts for cash provided to any person by the decedent for family, medical, educational or other expenses.

8. A copy of any expert report referring or relating to the income expected to be produced by the decedent and the discounted value of the actual pecuniary benefits that any person entitled to recovery under DOHSA could reasonably expected to have received from the continued life of the decedent

9. A copy of any expert report referring to the potential liability of any party or person for the collision of the F/V Lonely Hunter and F/V Katrina Lee.

10. A copy of the release and any attendant documents or agreements which were received pursuant to receipt of payment by or on behalf of the *F/V Lonely Hunter* and John Weckesser.

11. Decedent's tax returns and the tax returns of anyone claiming to be his spouse for the last 5 years whether filed jointly or individually.

12. A copy of the current benefit package for any job which the claimed spouse of decedent holds or has held in the last 5 years.

13. All hospital, doctor and medical records of treatment or examination of the decedent for any other illnesses or injuries or examinations for a period of ten years prior to the date of death complained of in this case.

14. All employment records of the decedent for a period of five years prior to the date of death in this action.

15. All decedent's income tax returns and Social Security records of earnings and income for a period of five years prior to his death.

16. Any degree, diploma or other evidence of the completion of high school or secondary education for your decedent.

17. Any and all reports of government agencies in connection with the alleged incident.

18. All prescriptions and prescription records for medicine prescribed to the decedent.

19. All prescriptions and prescription records for medicine prescribed to yourself.

20. All substance abuse records, examinations and evaluations concerning the decedent.

21. All documents referred to in answering the defendant's interrogatories.

22. A list of publications authored or co-authored by the experts identified in the plaintiff's answers to interrogatories.

23. All curriculum vitae and resumes of the experts identified in the plaintiff's answers to interrogatories.

24. All driver's licenses belonging to the decedent. .

25. All records concerning pension funds in which the decedent was a participant.

26. All passports, expired and valid, issued to the decedent . .

27. .All birth certificates of the decedent.

28 All criminal records of the decedent.

29. All records concerning claim(s) for social security disability or widow's payments or payments from social security by or on behalf of any of decedent's children

30. All welfare applications submitted by any person claiming to be decedent's spouse..

31. All correspondence between the you and any third party concerning the accident which is the subject matter of this litigation.

32. All expert reports, including all data and materials used by the expert to arrive at his opinions concerning the subject matter of this litigation.

33. All exhibits and charts which will be offered at the time of trial.

34. Any and all accident and incident reports filed with the Coast Guard, harbor patrol and/or other governmental agencies.

35. Copies of all signed statements made by the defendant, any passenger on the defendant's boat, any passenger on the *F/V Lonely Hunter* and the Coast Guard.

36. Provide the reports of the calculations which attempt to or are intended to establish the discounted value of the actual pecuniary benefits that any person reasonably could have received from the continued life of the decedent.

37. Copies of each all and every estate tax return filed or drafted for the estate.

38. Copy of the initial inventory of the property and possessions of the decedent.

39. Copies of any probate orders in this matter ordering partial distribution.

40. A copy of the funeral bill and the documents that reflected who paid for the funeral, headstone, grave site and recovery efforts of the body of the decedent and of John Beauvais.

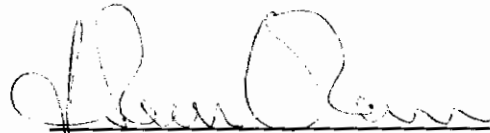
41. Copies of any report, letters or notes made in the effort to recover the bodies of Jose F. DaCosta, Jr. and John Beauvais as well as the effort to determine if the gear of the F/V Lonely Hunter was deployed or if its lights were lit at the time of the collision.

42. Copies of all communication between yourself and Pearl Beauvais concerning the relationship between John Beauvais and Pearl Beauvais.

43. Copies of all expenses made by your or the DaCosta family in the support, cost, care and keeping of John Beauvais for the period of the last ten years.

44. Copies of any notes, letters, writings or other document, gift or demonstration made to you by John Beauvais indicating that he considered Caroline DaCosta is mother.

DEFENDANT,
By its Attorney,



J. Renn Olenn, Esq. BBO #642090
OLENN & PENZA, LLP
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Warwick, RI 02886
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CERTIFICATION

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6/10/05

to:

Thomas J. Hunt, Esq.
18 North Water Street
New Bedford, MA 02740

